



CLOSED CASE SUMMARY

ISSUED DATE: OCTOBER 31, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0201

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	7.010 – Submitting Evidence, 7.010-POL-1. Employees Secure Collected Evidence	Not Sustained - Unfounded (Expedited)
# 2	7.080 – Money Evidence, 7.080-TSK-1. Employee Submitting Money Evidence	Not Sustained - Unfounded (Expedited)
# 3	5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Officers responded to a suspected driving under the influence (DUI) incident involving Community Member #1 (CM#1). The Complainant alleged Named Employee #1 (NE#1)—an unknown female officer—took an envelope containing \$9,000 out of CM#1's sock, then kept the money for herself.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee involved in this case.

On June 12, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

OPA received a complaint and opened an intake investigation. During its investigation, OPA reviewed the OPA complaint, computer-aided dispatch (CAD) call report, body-worn video (BWV), in-car video (ICV), incident and supplement reports, and custodial property summary report. OPA also interviewed the Complainant.

A. OPA Complaint

On May 4, 2023, the Complainant filed a web-based complaint. The Complainant wrote that his son, CM#1, was arrested for DUI. The Complainant wrote, "[CM#1] was arrested for [DUI] and he said the female officer took the



envelope from his sock with \$9000 cash.” The Complainant wrote that CM#1 asked the female officer what she was doing with the money, and the female officer said that she thought CM#1 was pleading the Fifth. The Complainant noted that CM#1 is “mentally disabled.”

B. Computer-Aided Dispatch (CAD) Call Report

On April 18, 2023, CAD call remarks noted, “TRANSFERRED FROM FIRE, [SEATTLE FIRE DEPARTMENT] NOT GOING. CHECK FOR DOWN MALE, IN RUNNING [VEHICLE], BREATHING NORMALLY, NO [INJURIES], NO [WEAPONS], NO NARCOTICS/ALCOHOL, [VEHICLE] FACING [EASTBOUND], NEAR EXIT ON [STREET].

C. Body-Worn Video (BWV), In-Car Video (ICV), and Incident and Supplement Reports

OPA reviewed the BWV of multiple witness officers and the ICV of multiple patrol cars. Collectively, BWV and ICV captured the following events on April 18, 2023.

Witness Officer #1 (WO#1) drove her patrol car behind CM#1’s car, which was parked in a parking lot.¹ CM#1 drove off, and WO#1 followed.² A short time later, CM#1 pulled into a different parking lot and stopped. Multiple officers arrived and surrounded CM#1. Witness Officer #2 (WO#2) and Witness Officer #3 (WO#3) pulled CM#1 out of his car, escorted him to the front of WO#1’s patrol car, and handcuffed him. WO#2 and WO#3—both male officers—searched CM#1, who appeared to wear low-cut socks. OPA did not observe any envelopes depicted in CM#1’s socks. WO#1 and Witness Officer #4 (WO#4)—both female officers—stood next to CM#1 during the search. WO#1 stood to the right of CM#1 while WO#4 stood to the left of CM#1. WO#1 and WO#4 did not touch CM#1 while WO#2 and WO#3 searched CM#1. WO#2 and WO#3 placed CM#1’s items on the hood of the patrol car, depicted below.



Image depicting the items that WO#2 and WO#3 found on CM#1’s person. OPA redacted CM#1’s identification.

After CM#1 was searched, WO#2 escorted CM#1 to the back of a police van and placed CM#1 inside. WO#1 and WO#3 put CM#1’s items in a brown paper bag.

¹ WO#1 wrote in her incident report that she responded to a report of a suspicious vehicle that was occupied and running and observed CM#1 slumped over behind the steering wheel.

² WO#1 wrote in her incident report that she believed CM#1 was DUI based on her observations of CM#1 and his driving.



WO#2 Mirandized CM#1. WO#2 asked what CM#1 needed out of his car. CM#1 said he wanted his phone and laptop. CM#1 said, "I have my money in there and um." WO#2 replied, "What money?" CM#1 said, "I'm not gonna to lie to you [unintelligible] it's in there [unintelligible]. I said I'm gonna be honest with you." During transport, CM#1 asked again about his money. CM#1 said, "He grabbed it and uh you grabbed my money, too. It's just a little bit." Officers transported CM#1 to the West Precinct and placed him in a holding cell.

WO#4 and Witness Officer #5 (WO#5) approached CM#1 at his holding cell. WO#4 told CM#1 that he was going to the hospital for a blood draw. WO#4 and WO#5 searched CM#1, and WO#5 found a watch. WO#4 and WO#5 escorted CM#1 to WO#4's patrol car and placed him in the back. CM#1 asked several times about his phone and money. WO#4 said that officers had his phone and wallet but "put a hold" on them, meaning he could not get them at the time. WO#4 said she was not sure what was in CM#1's wallet because she did not search it. WO#4 transported CM#1 to the hospital. From the hospital, WO#1 transported CM#1 to the King County Jail (KCJ).

After leaving the hospital, BWV depicted CM#1's shadow bend down, appear to manipulate his lower legs, and hand something to an escorting officer. BWV showed that item appeared to be a card, not an envelope, and the officer placed it into a bag containing CM#1's belongings.

WO#1 wrote an incident report consistent with the events captured on BWV and ICV. Other witness officers wrote supplement reports consistent with the events captured on BWV and ICV. Notably, no officer documented finding an envelope containing cash in CM#1's sock.

D. Custodial Property Summary Report

A custodial property report documented all items collected from CM#1 in a custodial property summary report. Each item collected was characterized as evidence, seized, or safekeeping. The custodial property report showed that, among other things, \$336 was collected from CM#1 as evidence.

E. OPA Interview

OPA interviewed the Complainant. The Complainant refused to provide an audio-recorded interview. The Complainant said CM#1 told him that a female officer searched CM#1 at the scene of CM#1's arrest and, while CM#1 was on the hood of a patrol car, the female officer took an envelope containing the money out of CM#1's sock. OPA told the Complainant that OPA did not see a female officer search CM#1 or see any officer take an envelope out of CM#1's sock. The Complainant said CM#1 probably dropped the money in CM#1's car.

OPA contacted CM#1's attorney to request an interview with CM#1. That attorney declined OPA's request.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

7.010 – Submitting Evidence, 7.010-POL-1. Employees Secure Collected Evidence

The Complainant alleged that NE#1 did not secure an envelope containing \$9,000 from CM#1's sock as evidence.



SPD Policy 7.010-POL-1 requires that employees secure collected evidence. It further instructs employees to place that evidence into the Evidence Unit or an authorized evidence storage area before they end their shift. *Id.*

Here, OPA attempted to identify NE#1, including all witness officers. No officer appears to recover an envelope containing \$9,000 from CM#1's sock, as reported, nor did it appear any envelope containing \$9,000 was ever recovered. Contrary to what the Complainant reported CM#1 told him, two male officers—WO#2 and WO#3—searched CM#1 after his arrest. Although two female officers were present during the search, they did not touch CM#1. The Complainant also said that CM#1 told him that CM#1 asked NE#1 what she was doing with his money, and NE#1 replied that she thought CM#1 was pleading the Fifth. BWV did not capture any such conversation. The Complainant was adamant that CM#1 told the truth about NE#1 taking \$9,000 from CM#1, but CM#1 was visibly impaired at the time of his arrest, as evidenced by his slurred speech, instability, and droopy eyes. CM#1's version of the incident was not credible due to both his impairment and inconsistency with objective video evidence.

BWV also captured WO#4 and WO#5 searching CM#1 at the West Precinct before CM#1 was transported to the hospital. Neither officer pulled out an envelope from CM#1's sock. WO#5 only found a watch.

OPA carefully examined both of CM#1's feet on BWV and ICV during his arrest and during his transport to the hospital and KCJ. CM#1 appeared to wear low-cut socks. An envelope containing \$9,000 would, more likely than not, be at least as thick as ninety \$100 bills and cause CM#1's sock to visibly bulge. OPA did not see any indication of any item stuffed in CM#1's sock. The evidence strongly suggests that the \$9,000 in cash—if it existed—was not present in CM#1's sock or car at the time of his arrest.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #1 – Allegation #2

7.080 – Money Evidence, 7.080-TSK-1. Employee Submitting Money Evidence

The Complainant alleged that NE#1 failed to submit money as evidence.

When submitting money evidence, an employee must (1) complete the required information on the currency envelope; (2) count the currency with another sworn employee; (3) place the currency in the currency envelope; (4) sign the currency envelope and have a witnessing sworn employee sign the currency envelope; (5) record the currency envelope number in the cross-reference field on the security detail page of the item in the property report; (6) list the witnessing sworn employee's name and serial in the narrative; and (7) submit the currency envelope to the Evidence Unit. SPD Policy 7.080-TSK-1.

Here, witness officers found \$336 on CM#1's person and documented it in a report. However, there is no evidence that NE#1 found \$9,000 in cash, let alone failed to submit it as evidence. For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**



Named Employee #1 – Allegation #3

5.001 – Standards and Duties, 5.001-POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

The Complainant alleged that NE#1 committed theft.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy.

For the reasons at Named Employee #1 – Allegation #1, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**